

1 AN ACT relating to charter schools.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 10 of this Act:*

6 *(1) "Achievement academy" has the same meaning as "public charter school";*

7 *(2) "Achievement gap" means a disparity of outcomes on state standardized*
8 *examinations and other academic performance measures between subgroups of*
9 *students, especially groups defined by socioeconomic status, race, and ethnicity;*

10 *(3) "Applicant" means an eligible person or persons, organization, or entity that*
11 *seeks approval from a charter school authorizer to establish a public charter*
12 *school;*

13 *(4) "Charter application" means a proposal from an applicant to an authorizer to*
14 *enter into a charter contract whereby the proposed school obtains public charter*
15 *school status;*

16 *(5) "Charter contract" or "contract" means a fixed-term, renewable contract*
17 *between a charter school and an authorizer that identifies the roles, powers,*
18 *responsibilities, and performance expectations for each party to the contract*
19 *pursuant to Section 7 of this Act;*

20 *(6) "Charter school board of directors" means the independent board of a public*
21 *charter school that is party to the charter contract with the authorizer and whose*
22 *members have been elected or selected pursuant to the school's application;*

23 *(7) "Conversion public charter school" means a public charter school that existed as*
24 *a noncharter public school prior to becoming a public charter school;*

25 *(8) "Education service provider" means an education management organization,*
26 *school design provider, or any other partner entity with which a public charter*
27 *school contracts for educational design, implementation, or comprehensive*

1 management;

2 (9) "Local school board" means a school board exercising management and control
3 of a local school district;

4 (10) "Local school district" means a county or independent school district as
5 identified in KRS 160.010 and 160.020;

6 (11) "Parent" means a parent, guardian, or other person or entity having legal
7 custody of a child;

8 (12) "Public charter school" means a public school that

9 (a) Is a public body corporate and politic, exercising public power, including
10 the power in name to contract and be contracted with, sue and be sued, and
11 adopt bylaws not inconsistent with this section;

12 (b) Has autonomy over decisions, including but not limited to matters
13 concerning finance, personnel, scheduling, curriculum, and instruction;

14 (c) Is governed by an independent board of directors;

15 (d) Is established and operating under the terms of a charter contract between
16 the public charter school's board of directors and its authorizer;

17 (e) Is a public school to which parents choose to send their children;

18 (f) Is a public school that admits students on the basis of a random and open
19 lottery if more students apply for admission than can be accommodated;

20 (g) Offers a comprehensive instructional program within a public school
21 district;

22 (h) Operates in pursuit of a specific set of educational objectives as defined in
23 its charter contract; and

24 (i) Operates under the oversight of its authorizer in accordance with its charter
25 contract;

26 (13) "Public charter school authorizer" or "authorizer" means an entity or body that
27 reviews, approves, or denies charter applications, enters into charter contracts

1 with applicants, oversees public charter schools, and renews, does not renew, or
2 revokes charter contracts. Authorizers include:

3 (a) A local school board of a local school district in which a public charter
4 school is located;

5 (b) A collaborative among local school boards that forms to set up a regional
6 public charter school to be located within the area managed and controlled
7 by those local school boards;

8 (c) The mayor of a city located in a county with a consolidated local
9 government who may only authorize public charter schools to be physically
10 located within the county in which the city is located; and

11 (d) The mayor of a city located in a county with an urban-county government
12 who may only authorize public charter schools to be physically located
13 within the county in which the city is located;

14 (14) "Qualified teacher" means a person certified by the Education Professional
15 Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;

16 (15) "Regional achievement academy" means a public charter school that has been
17 established to serve students across multiple school districts;

18 (16) "Regional achievement zone" means one (1) or more contiguous counties, each
19 with four (4) or more local school districts;

20 (17) "Start-up public charter school" means a public charter school that did not exist
21 as a noncharter public school prior to becoming a public charter school;

22 (18) "State board" means the Kentucky Board of Education;

23 (19) "Student" means any child who is eligible for attendance in a public school in
24 Kentucky; and

25 (20) "Virtual public charter school" means a public charter school that offers
26 educational services primarily or completely through an online program.

27 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) The General Assembly hereby finds and declares that:

3 (a) Reducing achievement gaps in Kentucky is necessary for the state to realize
4 its workforce and economic development potential;

5 (b) Past and current measures have been insufficient for making progress
6 toward reducing the state's achievement gaps;

7 (c) Additional public school options are necessary to help reduce
8 socioeconomic, racial, and ethnic achievement gaps; and

9 (d) The demand exists for high-quality public charter schools in the
10 Commonwealth.

11 (2) The General Assembly hereby establishes a public charter school project to
12 benefit parents, teachers, and community members by creating new, innovative,
13 and more flexible ways of educating all children within the public school system
14 and by advancing a renewed commitment to the mission, goals, and diversity of
15 public education. The purposes of the public charter school initiative are to:

16 (a) Improve student learning outcomes by creating additional high-performing
17 schools with high standards for student performance;

18 (b) Encourage the use of different, high-quality models of teaching, governing,
19 scheduling, or other aspects of schooling that meet a variety of student
20 needs;

21 (c) Close achievement gaps between high-performing and low-performing
22 groups of public school students;

23 (d) Allow schools freedom and flexibility in exchange for exceptional levels of
24 results-driven accountability;

25 (e) Increase high-quality educational opportunities within the public education
26 system for all students, especially those at risk of academic failure; and

27 (f) Provide students, parents, community members, and local entities with

1 expanded opportunities for involvement in the public education system.

2 (3) Beginning in academic year 2017-2018, any authorizer may authorize an
3 unlimited number of public charter schools within the boundary of the local
4 school district.

5 (4) A public charter school shall not be a virtual public charter school.

6 (5) (a) A public charter school authorized by a local school board or collaborative
7 may enroll students who reside within the boundaries of the district or
8 districts represented by the local school board or collaborative.

9 (b) Enrollment preference for a conversion public charter school shall be given
10 to students who attended the school the previous school year. If the number
11 of students enrolled does not exceed the capacity of the school, secondary
12 preference shall be given to students who reside within the district boundary
13 in which the public charter school is located.

14 (c) Enrollment preference for public charter schools shall be given to students
15 enrolled in the public charter school the previous year and to siblings of
16 students already enrolled in the school. An enrollment preference for
17 returning students shall exclude those students from entering into a lottery,
18 as identified in paragraph (f) of this subsection.

19 (d) Enrollment preference may be given to the children of the public charter
20 school's board of directors and full-time employees of the public charter
21 school provided they constitute no more than ten percent (10%) of the total
22 student population.

23 (e) A public charter school may allow an enrollment preference for students
24 who meet federal eligibility requirements for free or reduced-price meals
25 and students who attend persistently low-achieving noncharter public
26 schools.

27 (f) If capacity is insufficient to enroll all students who wish to attend any

1 specific grade level or program at a public charter school, the school shall
2 select students through a randomized and transparent lottery.

3 (6) (a) A public charter school established within the boundaries of a regional
4 achievement zone shall be a regional achievement academy.

5 (b) 1. A regional achievement academy may be authorized by a single local
6 school board within the regional achievement zone or by a collaborative of
7 local school boards.

8 2. A regional achievement academy authorized by a single local school
9 board shall be located within the boundaries of the authorizing local
10 school district.

11 3. A regional achievement academy authorized by a collaborative of local
12 school boards shall be located within the regional achievement zone.

13 (c) A regional achievement academy may only enroll students who reside
14 within the boundaries of its regional achievement zone.

15 (d) Enrollment preference in a regional achievement academy may be given to
16 students who reside within the boundaries of the local school district where
17 the regional achievement academy is located.

18 (7) Consistent with the requirements of Sections 1 to 10 and 11 of this Act, the state
19 board shall promulgate administrative regulations to guide student application,
20 lottery, and enrollment in public charter schools.

21 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) A public charter school shall be part of the state's system of public education but
24 shall be exempt from all statutes and administrative regulations applicable to the
25 state board, a local school district, or a school, except the public charter school
26 shall adhere to the same health, safety, civil rights, and disability rights
27 requirements as are applied to all public schools and to all requirements

1 otherwise identified in Sections 1 to 10 and 11 of this Act.

2 (2) A public charter school may elect to comply with any one (1) or more provisions
3 of any state statute or administrative regulation.

4 (3) A public charter school shall:

5 (a) Be governed by a board of directors;

6 (b) Be established and operate in pursuit of a specific set of educational
7 objectives as defined in the charter contract between the school's board of
8 directors and its authorizer;

9 (c) Ensure students meet compulsory attendance requirements under KRS
10 158.030 and 158.100;

11 (d) Ensure high school course offerings meet or exceed the minimum required
12 under KRS 156.160 for high school graduation;

13 (e) Design its education programs to meet or exceed the student performance
14 standards adopted by the Kentucky Board of Education;

15 (f) Ensure students' participation in required state assessment of student
16 performance, as required under KRS 158.6453;

17 (g) Adhere to all generally accepted accounting principles and adhere to the
18 same financial audits, audit procedures, and audit requirements as are
19 applied to other public schools under KRS 156.265;

20 (h) Require criminal background checks for staff and volunteers, including
21 members of its governing board, as required of all public school employees
22 and volunteers within the public schools specified in KRS 160.380 and
23 161.148;

24 (i) Comply with open records and open meeting requirements under KRS
25 Chapter 61;

26 (j) Comply with purchasing requirements and limitations under KRS Chapter
27 45 and KRS 156.074 and 156.480;

1 (k) Provide instructional time that is at least equivalent to the student
2 instructional year specified in KRS 158.070;

3 (l) Provide data to the Kentucky Department of Education and the authorizer
4 as required by the Kentucky Department of Education or authorizer to
5 generate a school report card under KRS 158.6453;

6 (m) Operate under the oversight of its authorizer in accordance with its charter
7 contract and application;

8 (n) As a public body corporate, have all the powers necessary for carrying out
9 the terms of its charter contract, including the power to:

10 1. Receive and disburse funds for school purposes;

11 2. Secure appropriate insurance and enter into contracts and leases;

12 3. Contract with an education service provider, provided the board of
13 directors of the public charter school retains oversight and authority
14 over the school;

15 4. Incur debt in reasonable anticipation of the receipt of public or private
16 funds;

17 5. Pledge, assign, or encumber its assets to be used as collateral for loans
18 or extensions of credit;

19 6. Solicit and accept any gifts or grants for school purposes, subject to
20 applicable laws and the terms of its charter;

21 7. Acquire real property for use as its facility or facilities, from public or
22 private sources; and

23 8. Employ or contract with other entities for the provision of teaching,
24 professional, and support staff, as needed; and

25 (o) Conduct an admissions lottery if capacity is insufficient to enroll all
26 students who wish to attend the school and ensure that every student has a
27 fair opportunity to be considered in the lottery and that the lottery is

1 competently conducted, equitable, randomized, transparent, and impartial
2 so that students are accepted in a public charter school without regard to
3 ethnicity, national origin, religion, sex, income level, disabling condition,
4 proficiency in the English language, or academic or athletic ability.

5 (4) For purposes of this subsection, a member of the board of directors of a public
6 charter school shall be considered a board member under KRS 156.132 and an
7 officer under KRS 61.040 and shall be removed from office under the provisions
8 of those statutes.

9 (5) A local school district shall provide or publicize to parents and the general public
10 information about public charter school authorized by the local school district as
11 an enrollment option within the district to the same extent and through the same
12 means that the school district provides and publicizes information about
13 noncharter public schools in the district.

14 (6) A local school district shall not assign or require any student enrolled in the local
15 school district to attend a public charter school.

16 (7) (a) For purposes of ensuring compliance with this section and the charter
17 under which it operates, a public charter school shall be administered by a
18 public charter school board of directors accountable to the authorizer in a
19 manner agreed to in the charter contract, as negotiated between the public
20 charter school applicant and the authorizer.

21 (b) The board of directors of a public charter school shall consist of a
22 minimum of two (2) parents of students attending any public charter school
23 operating under the direction of the board of directors.

24 (c) A member of the board of directors of a public charter school shall:

25 1. Not be an employee of that school or of an education service provider
26 that provides services to the school; and

27 2. File full disclosure reports and identify any potential conflicts of

1 interest, relationships with management organizations, and
2 relationships with family members who are applying to or are
3 employed by the public charter school or have other business dealings
4 with the school, the management organization of the school, or any
5 other public charter school and shall make these documents available
6 online through the authorizer.

7 (8) Collectively, members of the board of directors shall possess expertise in
8 leadership, curriculum and instruction, law, and finance.

9 (9) (a) A board of directors may hold one (1) or more charter contracts.

10 (b) Each public charter school under contract with a board of directors shall be
11 separate and distinct from any other public charter school under contract
12 with the board of directors.

13 (10) The board of directors shall be responsible for the operation of its public charter
14 school, including but not limited to preparation of a budget, contracting for
15 services, school curriculum, and personnel matters.

16 (11) The board of directors shall:

17 (a) Ensure that all meetings of the board are publicized in advance according
18 to the rules governing the authorizer and are open to the public at times
19 convenient to parents; and

20 (b) Require any education service provider contracted with the board to provide
21 a monthly detailed budget to the board.

22 (12) (a) A public charter school may negotiate and contract with its authorizer or
23 any third party for the use, operation, and maintenance of a building and
24 grounds, liability insurance, and the provision of any service, activity, or
25 undertaking that the public charter school is required to perform in order to
26 carry out the educational program described in its charter. Any services for
27 which a public charter school contracts with a school district shall be

1 provided by the district at cost and shall be negotiated as a separate
2 agreement after final charter contract negotiations. The public charter
3 school shall have standing to sue and be sued in its own name for the
4 enforcement of any contract under color of authority granted by Sections 1
5 to 10 of this Act. A public charter school may own, rent, or lease its space.

6 (b) Any entity contracted to provide educational services or goods to a public
7 charter school in an amount exceeding ten thousand dollars (\$10,000) shall
8 be subject to the Open Records Act under KRS Chapter 61 for all records
9 associated with the contract.

10 (13) A public charter school shall be exempt from administrative regulations
11 governing public schools for purposes of zoning and local land use regulation.
12 The Finance and Administration Cabinet shall annually publish a list of vacant
13 and unused buildings and vacant and unused portions of buildings that are
14 owned by the state and that may be suitable for the operation of a public charter
15 school and shall provide the list to applicants for public charter schools and to
16 existing public charter schools upon request.

17 (14) A public charter school shall be nonsectarian in its programs, admissions
18 policies, employment practices, partnerships, and all other operations and shall
19 not have entrance requirements or charge tuition or fees, except that a public
20 charter school may require the payment of fees on the same basis and to the same
21 extent as other public schools.

22 (15) A public charter school shall not discriminate against any student, employee, or
23 any other person on the basis of ethnicity, religion, national origin, sex,
24 disability, special needs, athletic ability, academic ability, or any other ground
25 that would be unlawful if done by a public school.

26 (16) A public charter school shall serve one (1) or more of grades kindergarten
27 through twelve (12) and shall limit admission to students within the grade levels

1 served.

2 (17) A public charter school shall provide programs and services to a student with a
3 disability in accordance with the student's individualized education program and
4 all federal and state laws, rules, and regulations. A public charter school shall
5 deliver the services directly or contract with another provider to deliver the
6 services. A public charter school shall establish an admissions and release
7 committee at the school and the committee shall:

8 (a) Develop an individualized education program for each student with a
9 disability; or

10 (b) Review, revise, or utilize a student's individualized education program
11 completed by the admissions and release committee of the student's former
12 school. If needed, the committee shall work collaboratively with staff from
13 the student's former school to review and revise a student's existing
14 individualized education program.

15 (18) (a) The local district in which the public charter school is located may provide
16 transportation to a public charter school student who resides within the
17 boundary of the local district in which the public charter school is located.
18 If the local district provides transportation, the district shall retain all
19 funding allocated for student transportation.

20 (b) If the local school district does not provide transportation to a public
21 charter school student, the district shall transfer a proportional amount of
22 funding allocated for transportation funds under the Support Education
23 Excellence in Kentucky program, directly to the public charter school which
24 shall be responsible for providing transportation to the public charter
25 school students residing within the boundary of the local school district in
26 which the charter school is located.

27 (19) (a) A public charter school shall be eligible to participate in state-sponsored or

1 district-sponsored interscholastic athletics, academic programs,
2 competitions, awards, scholarships, and recognition programs for students,
3 educators, administrators, and schools to the same extent as noncharter
4 public schools. Participants shall comply with eligibility requirements of
5 students enrolled in noncharter public schools.

6 (b) A public charter school has no obligation to provide extracurricular
7 activities or access to facilities for students enrolled in the public charter
8 school.

9 (c) If a public charter school sponsors extracurricular activities, students
10 enrolled in the public charter school shall be considered eligible to
11 participate in interscholastic competitions by the Kentucky Board of
12 Education or the agency designated by the state board to manage
13 interscholastic athletics, if other eligibility requirements are met. A student
14 enrolled in a public charter school that sponsors an extracurricular activity
15 shall be ineligible to participate in that activity at any other school.

16 (20) Nothing in this section shall be construed to prevent the establishment of a
17 single-sex public charter school consistent with federal regulations or a public
18 charter school designed to provide expanded learning opportunities for students
19 at-risk of academic failure or for students with special needs.

20 (21) The authorizer of a public charter school shall semiannually consider for
21 approval a public charter school's proposed amendments to a charter contract.
22 The authorizer may consider requests for amendments more frequently upon
23 mutual agreement between the authorizer and the public charter school. The
24 denial of an amendment request is appealable pursuant to Section 6 of this Act.

25 (22) If a student who was previously enrolled in a public charter school enrolls in
26 another public school located within the state, the new school shall accept any
27 credits earned and grades received by the student in courses or instructional

1 programs while enrolled in the public charter school in a uniform and consistent
2 manner and according to the same criteria that is used to accept credits from
3 other public schools.

4 (23) A teacher employed by a local board of education under a continuing service
5 contract and offered employment with a public charter school shall be granted a
6 two (2) year leave of absence to teach in a public charter school. The leave of
7 absence shall commence on the first day of service to the public charter school.
8 During the first or second year of the leave of absence, the teacher may notify the
9 local board of education that the teacher intends to return to a teaching position
10 in the local school district. The teacher shall be allowed to return to a teaching
11 position in the local school district at the appropriate salary for the teacher's
12 years of experience and educational level. After two (2) years on leave, the
13 relationship between the teacher and the local board of education shall be
14 determined by the local board and the local board shall notify the teacher of the
15 decision.

16 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) An application to establish a public charter school may be submitted to a public
19 charter school authorizer by teachers, parents, school administrators, community
20 residents, public organizations, nonprofit organizations, or a combination
21 thereof.

22 (2) An applicant shall submit an application for approval of a public charter school
23 to an authorizer and simultaneously to the state board. Charter authorizers shall
24 accept and document the date and time of receipt of all charter applications.

25 (3) The information provided in the application shall be consistent with this section
26 and shall include:

27 (a) A mission statement and a vision statement for the public charter school,

1 including the targeted student population and the community the school
2 hopes to serve;

3 (b) A description of the school's proposed academic program that is aligned
4 with state standards, and that implements one (1) or more of the purposes
5 described in Section 2 of this Act, and the instructional methods that will
6 support the implementation and success of the program;

7 (c) 1. The student achievement goals for the public charter school's
8 educational program and the chosen methods of evaluating whether
9 students have attained the skills and knowledge specified for those
10 goals; and

11 2. An explanation of how the school's proposed educational program is
12 likely to improve the achievement of traditionally underperforming
13 students in the local school district;

14 (d) The school's plan for using external, internal, and state-required
15 assessments to measure student progress on the performance framework as
16 identified in Section 7 of this Act, and how the school will use data to drive
17 instruction and continued school improvement;

18 (e) The proposed governance structure of the school, including a list of
19 members of the initial board of directors, a draft of bylaws that include the
20 description of the qualifications, terms, and methods of appointment or
21 election of directors, and the organizational structure of the school that
22 clearly presents lines of authority and reporting between the board of
23 directors, school administrators, staff, any related bodies such as advisory
24 bodies or parent and teacher councils, and any external organizations that
25 will play a role in managing the school;

26 (f) 1. Plans and timelines for student recruitment and enrollment, including
27 policies and procedures for conducting transparent and random

- 1 admission lotteries that are open to the public, and that are consistent
2 with Sections 2 and 3 of this Act.
- 3 2. An application shall demonstrate a plan to recruit at least one
4 hundred (100) students, unless the application is focused on serving
5 special needs or at-risk students;
- 6 (g) A proposed five (5) year budget, including the start-up year and projections
7 for four (4) additional years with clearly stated assumptions;
- 8 (h) Draft fiscal and internal control policies for the public charter school;
- 9 (i) Requirements and procedures for programmatic audits and assessments at
10 least once annually, with audits and assessments being comparable in scope
11 to those required of noncharter public schools;
- 12 (j) A draft handbook that outlines the personnel policies of the public charter
13 school, including the criteria to be used in the hiring of qualified teachers,
14 school administrators, and other school employees, a description of staff
15 responsibilities, and the school's plan to evaluate personnel on an annual
16 basis;
- 17 (k) A draft of the policies and procedures by which students may be disciplined,
18 including students with disabilities, which shall be consistent with the
19 requirements of due process and with state and federal laws and regulations
20 governing the placement of students with disabilities;
- 21 (l) A description of the facilities to be used by the public charter school,
22 including the location of the school, if known, and how the facility supports
23 the implementation of the school's academic program. If the facilities to be
24 used by the proposed school are not known at the time the application is
25 submitted, the applicant shall notify the authorizer within ten (10) business
26 days of acquiring facilities for the school. The school shall obtain
27 certification of occupancy for the facilities at least thirty (30) days prior to

- 1 the first student instructional day;
- 2 (m) The proposed ages and grade levels to be served by the public charter
3 school, including the planned, minimum, and maximum enrollment per
4 grade per year;
- 5 (n) The school calendar and school day schedule, which shall total at least the
6 equivalent to the student instructional year specified in KRS 158.070;
- 7 (o) Types and amounts of insurance coverage to be obtained by the public
8 charter school, which shall include adequate insurance for liability,
9 property loss, and the personal injury of students comparable to other
10 schools within the local school district operated by the local school board;
- 11 (p) A description of the health and food services to be provided to students
12 attending the school;
- 13 (q) Procedures to be followed in the case of the closure or dissolution of the
14 public charter school, including provisions for the transfer of students and
15 student records to the local school district in which the public charter
16 school is located or to another charter school located within the local school
17 district and an assurance and agreement to payment of net assets or equity,
18 after payment of debts as specified in Section 9 of this Act;
- 19 (r) A code of ethics for the school setting forth the standards of conduct
20 expected of its board of directors, officers, and employees;
- 21 (s) Plans for recruiting and developing staff;
- 22 (t) A staffing chart for the school's first year and a staffing chart for the term
23 of the charter;
- 24 (u) A plan for parental and community involvement in the school, including the
25 role of parents in the administration and governance of the school;
- 26 (v) The public charter school's plan for identifying and successfully serving
27 students with disabilities, students who are English language learners,

- 1 bilingual students, and students who are academically behind and gifted,
2 including but not limited to the school's plan for compliance with all
3 applicable federal and state laws and regulations;
- 4 (w) A description of cocurricular and extracurricular programs and how they
5 will be funded and delivered;
- 6 (x) The process by which the school will resolve any disputes with the
7 authorizer; and
- 8 (y) A detailed start-up plan, including financing, tasks, timelines, and
9 individuals responsible for carrying out the plan.
- 10 (4) If the public charter school applicant intends to contract with an education
11 service provider for educational program implementation or comprehensive
12 management, the application shall additionally require the applicant to:
- 13 (a) Provide evidence of success in serving student populations similar to the
14 targeted population, including demonstrated academic achievement as well
15 as successful management of nonacademic school functions, if applicable;
- 16 (b) Provide student performance data and financial audit reports for all current
17 and past public charter schools;
- 18 (c) Provide documentation of and explanation for any actions taken against
19 any of its public charter schools for academic, financial, or ethical
20 concerns;
- 21 (d) Provide evidence of current capacity for growth;
- 22 (e) Provide a term sheet setting forth:
- 23 1. The proposed duration of the service contract;
24 2. The annual proposed fees to be paid to the education service provider;
25 3. The roles and responsibilities of the board of directors, the school
26 staff, and the education service provider;
27 4. The scope of services and resources to be provided by the education

- 1 service provider;
- 2 5. Performance evaluation measures and timelines;
- 3 6. Compensation structure, including clear identification of all fees to be
- 4 paid to the education service provider;
- 5 7. Methods of contract oversight and enforcement;
- 6 8. Investment disclosure; and
- 7 9. Conditions for renewal and termination of the contract; and
- 8 (f) Disclose and explain any existing or potential conflicts of interest between
- 9 the board of directors and the proposed education service provider or any
- 10 affiliated business entities.

11 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO

12 READ AS FOLLOWS:

- 13 (1) A public charter school authorizer shall:
- 14 (a) Fulfill the expectations and intent of this section and Sections 1 to 10 and
- 15 11 of this Act;
- 16 (b) Demonstrate public accountability and transparency in all matters
- 17 concerning its charter-authorizing practices, decisions, and expenditures;
- 18 (c) Solicit, invite, and evaluate applications from applicants;
- 19 (d) Approve new and renewal charter applications that meet the requirements
- 20 of this section and Section 4 of this Act;
- 21 (e) Decline to approve charter applications that:
- 22 1. Fail to meet the requirements of this section and Section 4 of this Act;
- 23 or
- 24 2. Are for a school that would be wholly or partly under the control or
- 25 direction of any religious denomination;
- 26 (f) Negotiate and execute in good faith a charter contract with each public
- 27 charter school it authorizes;

- 1 (g) Monitor the performance and compliance of public charter schools
2 according to the terms of the charter contract;
- 3 (h) Determine whether each charter contract it authorizes merits renewal or
4 revocation; and
- 5 (i) Establish and maintain policies and practices consistent with the principles
6 and professional standards for authorizers of public charter schools,
7 including standards relating to:
- 8 1. Organizational capacity and infrastructure;
9 2. Soliciting and evaluating applications;
10 3. Performance contracting;
11 4. Ongoing public charter school oversight and evaluation; and
12 5. Charter approval, renewal, and revocation decision making.
- 13 (2) In reviewing applications, the public charter school authorizer is encouraged to
14 give preference to applications that demonstrate the intent, capacity, and
15 capability to provide comprehensive learning experiences to:
- 16 (a) Students identified by the applicants as at risk of academic failure; and
17 (b) Students with special needs as identified in their individualized education
18 program as defined in KRS 158.281.
- 19 (3) After a charter applicant submits a written application to establish a public
20 charter school, the authorizer shall:
- 21 (a) Complete a thorough review process;
22 (b) Conduct an in-person interview with the applicant group;
23 (c) Provide an opportunity in a public forum for local residents to provide input
24 and learn about the charter application;
25 (d) Provide a detailed analysis of the application to the applicant or applicants;
26 (e) Allow an applicant a reasonable time to provide additional materials and
27 amendments to its application to address any identified deficiencies; and

1 (f) Approve or deny a charter application based on established objective
2 criteria or request additional information.

3 (4) In deciding to approve a charter application, the authorizer shall:

4 (a) Grant charters only to applicants that possess competence in all elements of
5 the application requirements identified in this section and Section 4 of this
6 Act;

7 (b) Base decisions on documented evidence collected through the application
8 review process; and

9 (c) Follow charter-granting policies and practices that are transparent, based
10 on merit, and avoid conflicts of interest.

11 (5) No later than sixty (60) days following the filing of the charter application, the
12 authorizer shall approve or deny the charter application. The authorizer shall
13 adopt by resolution all charter approval or denial decisions in an open meeting of
14 the authorizer's board of directors.

15 (6) Any failure to act on a charter application shall be deemed a denial by the
16 authorizer.

17 (7) An application shall be approved if the public charter school authorizer finds
18 that:

19 (a) The public charter school described in the application meets the
20 requirements established by this section and Sections 1 and 3 of this Act;

21 (b) The applicant demonstrates the ability to operate the school in an
22 educationally and fiscally sound manner; and

23 (c) Approving the application is likely to improve student learning and
24 achievement and further the purposes established by Section 2 of this Act.

25 (8) An authorizer shall provide a written explanation within five (5) days, for the
26 public record, stating its reasons for approval or denial of a charter application,
27 including a thorough explanation of how the charter application either meets or

1 fails to meet established objective criteria for making charter application
2 decisions, and the authorizing process by which the authorizer used to review,
3 evaluate, and make its final decision.

4 (9) An authorizer's charter application approval shall be submitted to the Kentucky
5 Department of Education for final approval by the commissioner of education.

6 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) The state board, upon receipt of a notice of appeal or upon its own motion, shall
9 review decisions of any authorizer concerning the approval or denial of a public
10 charter school application, the nonrenewal or revocation of a public charter
11 school's contract, the denial of a public charter school's request to consider a
12 charter amendment, or the unilateral imposition of conditions, in accordance
13 with the provisions of this section.

14 (2) A charter applicant or approved public charter school who wishes to appeal a
15 decision of an authorizer concerning a charter application, a charter amendment,
16 or the nonrenewal or revocation of a charter, or the unilateral imposition of
17 conditions, shall provide the state board and the authorizer with a notice of
18 appeal within thirty (30) days after the authorizer's decision. The person bringing
19 the appeal shall limit the grounds of the appeal to the grounds for the denial of or
20 the nonrenewal or revocation of a charter, or the unilateral imposition of
21 conditions, whichever is being appealed, specified by the authorizer. The notice
22 shall include a brief statement of the reasons the public charter school applicant
23 or public charter school contends the authorizer's denial of or nonrenewal or
24 revocation of a charter, or imposition of conditions was in error.

25 (3) If the notice of appeal, or the motion to review by the state board, relates to an
26 authorizer's decision to deny, refuse to renew, or revoke a charter or to an
27 authorizer's unilateral imposition of conditions that are unacceptable to the

1 charter applicant or public charter school, the appeal and review process shall be
2 as follows:

3 (a) Within forty-five (45) days after receipt of the notice of appeal or the
4 making of a motion to review by the state board and after reasonable public
5 notice, the state board, at a public hearing which may be held in the school
6 district in which the proposed public charter school has applied for a
7 charter, shall review the decision of the authorizer and make its findings. If
8 the state board finds that the authorizer's decision was contrary to the best
9 interest of the students or community, the state board shall remand such
10 decision to the authorizer with written instructions for reconsideration
11 thereof. The instructions shall include specific recommendations
12 concerning the matters requiring reconsideration;

13 (b) Within thirty (30) days following the remand of a decision to the authorizer
14 and after reasonable public notice, the authorizer, at a public hearing, shall
15 reconsider its decision and make a final decision;

16 (c) If the authorizer's final decision is still to deny, refuse to renew, or revoke a
17 charter or to unilaterally impose conditions unacceptable to the charter
18 applicant, a second notice of appeal may be filed with the State Board of
19 Education within thirty (30) days following such final decision;

20 (d) Within thirty (30) days following receipt of the second notice of appeal or
21 the making of a motion for a second review by the State Board of Education
22 and after reasonable public notice, the state board, at a public hearing shall
23 determine if the final decision of the authorizer was contrary to the best
24 interest of the students or community. If such a finding is made, the state
25 board shall remand such final decision to the authorizer with instructions
26 to approve the charter application or amendment, or to renew or reinstate
27 the charter, or to approve or disapprove conditions imposed. The decision of

1 the state board shall be a final action subject to judicial review in the district
2 court of appeals; and

3 (e) Charters granted to applicants by authorizers after a successful appeal to
4 the state board, as outlined in paragraph (d) of this subsection, shall be
5 provided joint oversight by the authorizer and the state board for, at a
6 minimum, the first five (5) years of the school's operation, and until the
7 authorizer, state board, and public charter school agree that charter
8 oversight may be provided solely by the authorizer. The state board shall be
9 a formal participant in all authorizing decision making concerning the
10 public charter school during that period, and shall be included in all
11 communication between the public charter school and the authorizer. The
12 state board shall receive twenty-five percent (25%) of the total authorizer fee
13 received by the authorizer for each school it provides joint oversight
14 pursuant to this section.

15 (4) (a) Within ten (10) days of taking action to approve or deny a charter
16 application that has been remanded back to the authorizer for
17 reconsideration, the authorizer shall notify the state board of the action
18 taken.

19 (b) The authorizer shall provide a report to the charter applicant, the state
20 board, and the Education and Workforce Development Cabinet
21 simultaneously and shall include a copy of the resolution adopted by the
22 authorizer's board of directors identifying any action taken, the reason for
23 the decision, and an assurance as to compliance with all of the procedural
24 requirements and application elements found in this section and Sections 2
25 and 4 of this Act.

26 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
27 READ AS FOLLOWS:

1 (1) (a) For purposes of this section, a member of the board of directors of a public
2 charter school shall be considered an officer under KRS 61.040 and shall,
3 within sixty (60) days of final approval of an application, take an oath of
4 office as required under KRS 62.010.

5 (b) Within seventy-five (75) days of the final approval of an application, the
6 board of directors and the authorizer shall enter into a binding charter
7 contract that establishes the academic and operational performance
8 expectations and measures by which the public charter school will be
9 evaluated.

10 (c) The executed charter contract shall become the final authorization for the
11 public charter school. The charter contract shall include:

12 1. The term of the contract;

13 2. The agreements relating to each item required under subsection (3) of
14 Section 3 and subsection (3) of Section 4 of this Act, as modified or
15 supplemented during the approval process;

16 3. The rights and duties of each party;

17 4. The administrative relationship between the authorizer and the public
18 charter school;

19 5. The allocation of funds, and the schedule to disburse funds to the
20 public charter school by the authorizer;

21 6. The process the authorizer will use to provide ongoing oversight,
22 including a process to conduct annual site visits;

23 7. The specific commitments of the public charter school authorizer
24 relating to its obligations to oversee, monitor the progress of, and
25 supervise the public charter school;

26 8. The process and criteria the authorizer will use to annually monitor
27 and evaluate the overall academic, operating, and fiscal conditions of

1 the public charter school, including the process the authorizer will use
2 to oversee the correction of any deficiencies found in the annual
3 review;

4 9. The process for revision or amendment to the terms of the charter
5 contract agreed to by the authorizer and the board of directors of the
6 public charter school;

7 10. The process agreed to by the authorizer and the board of directors of
8 the public charter school that identifies how disputes between the
9 authorizer and the board will be handled; and

10 11. Any other terms and conditions agreed to by the authorizer and the
11 board of directors, including pre-opening conditions. Reasonable
12 conditions shall not include enrollment caps or operational
13 requirements that place undue constraints on a public charter school
14 or are contradictory to the provisions of Sections 1 to 10 and 11 of this
15 Act. Such conditions, even when incorporated in a charter contract,
16 shall be considered unilaterally imposed conditions.

17 (d) 1. The performance provisions within a charter contract shall be based
18 on a performance framework that sets forth the academic and
19 operational performance indicators, measures, and metrics to be used
20 by the authorizer to evaluate each public charter school. The
21 performance framework shall include at a minimum indicators,
22 measures, and metrics for:

23 a. Student academic proficiency;

24 b. Student academic growth;

25 c. Achievement gaps in both student proficiency and student
26 growth between student subgroups, including race, sex,
27 socioeconomic status, and areas of exceptionality;

- d. Student attendance;
- e. Student suspensions;
- f. Student withdrawals;
- g. Student exits;
- h. Recurrent enrollment from year to year;
- i. College or career readiness at the end of grade twelve (12);
- j. Financial performance and sustainability; and
- k. Board of directors' performance and stewardship, including compliance with all applicable statutes, administrative regulations, and terms of the charter contract.

2. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance. The proposed indicators shall be consistent with the purposes of Sections 1 to 10 and 11 of this Act and shall be negotiated with the authorizer.

3. The performance framework shall require the disaggregation of student performance data by subgroups, including race, sex, socioeconomic status, and areas of exceptionality.

4. The authorizer shall be responsible for collecting, analyzing, and reporting to the state board all state-required assessment and achievement data for each public charter school it oversees.

(e) Annual student achievement performance targets shall be set, in accordance with the state accountability system, by each public charter school in conjunction with its authorizer, and those measures shall be designed to help each school meet applicable federal, state, and authorizer goals.

(f) The charter contract shall be signed by the chair of the governing board of

1 the authorizer and the chair of the board of directors of the public charter
2 school. An approved charter application shall not serve as a charter
3 contract for the public charter school.

4 (g) No public charter school may commence operations without a charter
5 contract executed according to this section and approved in an open
6 meeting of the governing board of the authorizer.

7 (2) Within five (5) days after entering into a charter contract, a copy of the executed
8 contract shall be submitted by the authorizer to the commissioner of education.

9 (3) The state board shall promulgate administrative regulations to establish the
10 process to be used to evaluate the performance of a charter school authorizer,
11 based upon the requirements of Sections 1 to 10 and 11 of this Act, and the
12 actions to be taken in response to failures in performance.

13 (4) The commissioner of education shall apply for financial assistance through the
14 federal government for the planning, program design, and initial implementation
15 of public charter schools in the state within sixty (60) days after the effective date
16 of this Act or at the first available grant application period. Federal grants
17 include but are not limited to the Charter Schools Program administered by the
18 United States Department of Education.

19 (5) By August 31, 2019, and annually thereafter, each public charter school
20 authorizer shall submit to the commissioner of education, the secretary of the
21 Education and Workforce Development Cabinet, and the Interim Joint
22 Committee on Education a report to include:

23 (a) The names of each public charter school operating under contract with the
24 authorizer during the previous academic year that:

25 1. Closed during or after the academic year; or

26 2. Had the contract nonrenewed or revoked;

27 (b) The names of each public charter school operating under contract with the

1 authorizer during the previous academic year that have not yet begun to
2 operate;

3 (c) The number of applications received, the number reviewed, and the number
4 approved;

5 (d) A summary of the academic and financial performance of each public
6 charter school operated under contract with the authorizer during the
7 previous academic year; and

8 (e) The authorizing duties and functions performed by the authorizer during
9 the previous academic year and a detailed accounting of how the authorizer
10 used its three percent (3%) authorizing fee to support these duties and
11 functions for each public charter school authorized.

12 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) Upon the approval of a charter contract by a public charter school authorizer, the
15 applicant shall be permitted to operate a public charter school for a term of five
16 (5) years.

17 (2) The board of directors of the public charter school shall negotiate and execute a
18 charter contract with the governing body of the authorizer.

19 (3) A public charter school shall have all corporate powers necessary and desirable
20 for carrying out a public charter school program in accordance with this section
21 and the terms of the charter contract, including all of the powers of a local board
22 of education and of a local school district, except as otherwise provided in
23 Sections 1 to 10 of this Act.

24 (4) The powers granted to a public charter school under this section constitute the
25 performance of essential public purposes and governmental purposes of this
26 state. A public charter school shall be exempt to the same extent as other public
27 schools from all taxation, fees, assessments, or special ad valorem levies on its

1 earnings and its property. Instruments of conveyance to or from a public charter
2 school and any bonds or notes issued by a public charter school, together with the
3 income received, shall at all times be exempt from taxation.

4 (5) A public charter school shall not have the power to levy taxes or to acquire
5 property by eminent domain, but shall have police powers to the same extent and
6 under the same requirements as a local school district.

7 (6) The board of directors of the public charter school shall have final authority over
8 policy and operational decisions of the public charter school, although the
9 decision-making authority may be delegated to the administrators and staff of the
10 school in accordance with the provisions of the charter contract.

11 (7) Notwithstanding any other statute to the contrary, no civil liability shall attach to
12 any public charter school authorizer or to any of its members or employees,
13 individually or collectively, for any acts or omissions of the public charter school.
14 Neither the local school district nor the Commonwealth shall be liable for the
15 debts or financial obligations of a public charter school or any person or
16 corporate entity who operates a public charter school.

17 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) A charter contract may be renewed by the authorizer for a term of duration of
20 five (5) years, although the authorizer may vary the term to as few as three (3)
21 years. Any variation in the public charter school's term must be solely based on
22 the performance, demonstrated capacities, and particular circumstances of a
23 public charter school. Authorizers may grant renewal with specific conditions for
24 necessary improvements to a public charter school, but may not impose
25 conditions inconsistent with Sections 1 to 10 of this Act.

26 (2) (a) No later than one (1) calendar year prior to the expiration date of a charter
27 contract, an authorizer shall issue a public charter school performance

1 report and charter renewal application guidance to the public charter
2 school it authorized. The performance report shall summarize the school's
3 performance record to date, based on the performance framework required
4 under Section 7 of this Act and the charter contract, and shall provide
5 notice of any weaknesses or concerns related to the school that may
6 jeopardize its position in seeking renewal if not timely rectified and of any
7 strengths or achievements that support its position in seeking renewal.

8 (b) The school shall have twenty (20) days to respond to the performance report
9 and submit any corrections or clarification for the report to the authorizer.

10 (c) Within ten (10) days of receiving a school's response, the authorizer shall
11 review the response and issue a final performance report to the school.

12 (3) (a) The renewal application guidance shall, at a minimum, provide an
13 opportunity for the public charter school to:

14 1. Present additional evidence beyond the data contained in the
15 performance report supporting its case for charter renewal;

16 2. Describe improvements undertaken or planned for the school; and

17 3. Detail the school's plan for the next charter term.

18 (b) The renewal application guidance shall include or refer explicitly to the
19 criteria that will guide the authorizer's renewal decisions, which shall be
20 based on the performance framework as identified in the charter contract.

21 (4) (a) No later than six (6) months prior to the expiration date of a charter
22 contract, the board of directors of a public charter school seeking charter
23 contract renewal shall submit a renewal application to the authorizer
24 pursuant to the renewal application guidance issued by the authorizer.

25 (b) The authorizer shall rule by resolution on the renewal application no later
26 than thirty (30) days after receipt of the application.

27 (5) In making charter application, renewal, or other appealable decisions, an

1 authorizer shall:

2 (a) Make its decision within established timeframes. Any failure of the
3 authorizer to act on a charter application, renewal, or other appealable
4 decision shall be deemed a denial of the requested action and thereafter be
5 subject to appeal;

6 (b) Base its decision on evidence of the public charter school's performance
7 over the term of the charter contract in accordance with the performance
8 framework required in the charter contract;

9 (c) Ensure that data used in making renewal decisions is available to the public
10 charter school and the public; and

11 (d) Provide a public report summarizing the evidence basis for each decision.

12 (6) A charter contract may not be renewed if the authorizer determines that the
13 public charter school has:

14 (a) Committed a material violation of any of the terms, conditions, standards,
15 or procedures required under Sections 1 to 10 and 11 of this Act or the
16 charter contract, and has persistently failed to correct the violation after fair
17 and specific notice from the authorizer;

18 (b) Failed to meet or make significant progress toward the performance
19 expectations identified in the charter contract;

20 (c) Failed to meet generally accepted standards of fiscal management, and has
21 failed to correct the violation after fair and specific notice from the
22 authorizer; or

23 (d) Substantially violated any material provision of law from which the public
24 charter school was not exempted and has failed to correct the violation after
25 fair and specific notice from the authorizer.

26 (7) An authorizer may take immediate action to revoke a charter contract if a
27 violation threatens the health and safety of the students of the public charter

- 1 school.
- 2 (8) The State Board of Education shall promulgate administrative regulations
3 establishing a revocation and nonrenewal process for charter authorizers that:
- 4 (a) Provides the charter holder with a timely notification of the prospect of
5 revocation or nonrenewal and of the reasons for such possible closure;
- 6 (b) Allows a charter holder a reasonable time in which to prepare a response;
- 7 (c) Provides the charter holder with an opportunity to submit documentation
8 and provide testimony challenging the rationale behind the closure and in
9 support of the continuation of the school at an orderly proceeding held for
10 that purpose;
- 11 (d) Allows the charter holder the right to representation by counsel and to call
12 witnesses on behalf of the charter holder;
- 13 (e) Permits the recording of such proceedings; and
- 14 (f) After a reasonable period of deliberation, requires a final determination be
15 made and conveyed in writing to the charter holder.
- 16 (9) If an authorizer revokes or does not renew a contract, the authorizer shall clearly
17 state, in a resolution of its governing board the reason for the revocation or
18 nonrenewal.
- 19 (10) Within ten (10) days of taking action to renew, not renew, or revoke a charter, the
20 authorizer shall report to the state board the action taken, and shall provide a
21 report to the public charter school at the same time the report is issued to the state
22 board. The report shall include a copy of the resolution adopted by the
23 authorizer's governing board describing the action taken and reasons for the
24 decision and assurance as to compliance with all of the procedural requirements
25 and application elements found in Section 4 of this Act.
- 26 (11) An authorizer shall develop a public charter school closure protocol to ensure
27 timely notification to parents, orderly transition of students and student records

1 to new schools, and proper disposition of school funds, property, and assets. The
2 protocol shall specify tasks, timelines, and responsible parties, including
3 delineating the respective duties of the school and the authorizer. If a public
4 charter school closes for any reason, the authorizer shall oversee and work with
5 the closing school to ensure a smooth and orderly closure and transition for
6 students and parents, as guided by the closure protocol. If a public charter school
7 is subject to closure, following exhaustion of any appeal allowed under Section 6
8 of this Act, an authorizer may remove at will at any time any or all of the
9 members of the board of directors of the public charter school in connection with
10 ensuring a smooth and orderly closure. If the authorizer removes members of the
11 board of directors such that the board of directors can no longer function, the
12 authorizer shall be empowered to take any further necessary and proper acts
13 connected with closure of the public charter school in the name and interest of
14 the public charter school.

15 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
16 READ AS FOLLOWS:

- 17 (1) An existing public school not scheduled for closure may be converted into a
18 public charter school and be identified as a conversion public charter school if:
19 (a) Sixty percent (60%) of the parents of students who attend the school have
20 signed a petition requesting the conversion, which shall be completed not
21 later than ninety (90) days after the date of the first signature; or
22 (b) The local school board votes to convert an existing public school within its
23 district boundary.
- 24 (2) The State Board of Education shall promulgate administrative regulations for the
25 conversion of a noncharter public school to a conversion public charter school.
- 26 (3) A conversion public charter school shall be governed by a board of directors
27 constituted and empowered as provided in Section 3 of this Act.

1 (4) A conversion public charter school shall continue to comply with all federal and
2 state requirements concerning the treatment of children with special needs and
3 accept all students who attended the school prior to its conversion who wish to
4 attend.

5 (5) A conversion public charter school shall hire its own employees.

6 (6) An employee who works in a conversion public charter school shall be an
7 employee of the public charter school.

8 (7) (a) For any collective bargaining agreement entered into on or after the
9 effective date of this Act, a governing board shall not be bound by its
10 collective bargaining agreement for employees of a conversion public
11 charter school.

12 (b) Employees of a conversion public charter school may organize and
13 collectively bargain only as a unit separate from other school employees.

14 (8) A conversion public charter school shall continue to be housed in the same
15 public school facility and shall have the option of using the existing assets of the
16 school.

17 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 161 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) As used in this section, "public charter school," "local school board," and "local
20 school district" have the same meanings as in Section 1 of this Act.

21 (2) (a) Public charter school employees shall participate in the Teachers'
22 Retirement System or the County Employees Retirement System, as
23 determined by their eligibility for participation in the appropriate system
24 and provided the public charter school satisfies the criteria set by the
25 Internal Revenue Service to participate in a governmental retirement plan.

26 (b) Teachers and other certified personnel shall make any required employee
27 contributions to the Teachers' Retirement System under KRS 161.220 to

1 161.716.

2 (c) Classified employees shall make any required employee contributions to the
3 County Employees Retirement System under KRS 78.510 to 78.852.

4 (3) (a) A public charter school employee shall not be required to be a member of
5 any collective bargaining agreement.

6 (b) A public charter school employee who enters into any collective bargaining
7 unit must do so as a separate unit from the local school district.

8 (4) A local school board shall not require any employee of the local school district to
9 be employed in a public charter school or any student enrolled in the school
10 district to attend a public charter school.

11 (5) A local school board shall not harass, threaten, discipline, discharge, retaliate, or
12 in any manner discriminate against any district employee involved directly or
13 indirectly with an application to establish a public charter school.